

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALEX BELFER, et al.,)	Case No. 1:05CV2473
)	
Plaintiffs,)	
)	Judge Ann Aldrich
vs.)	
)	
OLEG MINKO, et al.,)	
)	<u>ORDER</u>
Defendants.)	
)	

Now before the court is a Motion for a Temporary Restraining Order (“TRO”) filed by the plaintiffs on October 20, 2005 (Docket No. 3). A hearing was conducted on this motion, and the court heard arguments from both parties, on October 20, 2005. The court, after considering the plaintiffs’ motion, supporting affidavits, and complaint, finds that the plaintiffs are likely to suffer irreparable harm in the absence of a TRO. No adequate legal remedy exists to redress the damage to the plaintiffs’ business credibly alleged in the pleadings. Further, the entry of a TRO poses little risk of harm to the defendants, and advances the public interest.

Therefore, for good cause shown, the court hereby enters this TRO, pursuant to Fed. R. Civ. P. 65, against defendants Oleg Minko, Nellie Izmaylova, Claudia Minko, Sonsco, Inc., & WebImage 2000, Inc., enjoining and restraining them from:

1. destroying, sabotaging, tampering with, materially redesigning, or otherwise restricting or impairing the function of the Action-DVD.com website or any of its ancillary websites. The defendants are

further enjoined from any programming activities concerning Action-DVD.com, except for the performance of routine maintenance;

2. removing, selling, transferring, damaging, conceding, or otherwise disposing of property belonging to one or both of the parties, including but not limited to: computer servers or other business equipment or documents;

3. accessing the Action-DVD.com servers without the express written authorization of Action Software;

4. redirecting traffic away from the Action-DVD website or otherwise tampering with the ability of users to access the plaintiffs' websites;

5. withholding the passwords, pass codes, web tools, or any other information necessary for the day-to-day functioning and updating of the Action-DVD.com website;

6. withholding any and all software and/or software upgrades owned by Action Software and necessary for the functioning of the website or business operations of Action Software;

7. competing with the Action-DVD website through any other means, including through an internet website;

8. assisting any other person or entity in performing any of the above actions.

Pursuant to Fed. R. Civ. P. 65(c), the court determines that it is necessary that the plaintiffs post a bond to obtain injunctive relief, and that given the facts of this case, Thirty-Two Thousand Six Hundred Dollars (\$32,600.00) is proper security for the payment of such costs and damages as may be incurred or suffered by any parties who are found to have been wrongfully enjoined or restrained.

This injunction shall expire ten days from its issuance, exclusive of Saturdays, Sundays, and

holidays, unless it is extended as provided in Federal Rule of Civil Procedure 65(b).

IT IS SO ORDERED.

/s/ Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: October 21, 2005